

**ER**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA  
*Troy Lamont Moore, Sr.*

*YOUR COPY*

*14-3873*  
~~16-0242~~

(In the space above enter the full name(s) of the plaintiff(s).)

- against -

Corrections Officer S. Walton,

Industrial Correctional Center

8301 State Road.. Philadelphia, Pa

19136

**COMPLAINT**

under the  
Civil Rights Act, 42 U.S.C. § 1983  
(Prisoner Complaint)

Jury Trial:  Yes  No  
(check one)

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

1. Parties in this complaint:

A. List your name, identification number, and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff Name Troy Lamont Moore, Sr.  
ID # Fe-2483  
Current Institution SCI-Forest  
Address P.O. Box 945, Marienville, Pa 16239-0945

**III. PREVIOUS LAWSUITS**

**Instructions:**

If you have filed other lawsuits in any federal or state court dealing with the same facts as this complaint or other facts related to your imprisonment, you must provide the information requested below. If you have not filed other lawsuits, proceed to Section IV, Administrative Remedies, on this page.

If you have filed other lawsuits, provide the following information.

**Parties to your previous lawsuit:**

Plaintiffs Troy Lamont Moore

Defendants Corrections Officer S. Walton

Issues: Eighth Amendment Violation regarding cell 18 toilet violently over flowed every 20 minutes through out the night with feces & urine. After experiencing shortness of breath & chest pains along with vomiting.

Court: if federal, which district? Eastern

if state, which county? Philadelphia

Docket number: 14-3873 Date filed: \_\_\_\_\_

Name of presiding judge: Eduardo C. Robreno

Disposition: (check correct answer(s)); Date: On Friday, December 18, 2015

Dismissed  Reason? Without prejudiced

Judgment  In whose favor? Defendants & Plaintiff's

Pending  Current status? Closed.

Other  Explain Except officer Walden, who has not yet been identified and served

Appeal filed?  no Current status? none.due to refiling.

Additional lawsuits. Provide the same information concerning any other lawsuits you have filed concerning the same facts as this action or other facts related to your imprisonment. You may use the back of this page or a separate sheet of paper for this purpose.

**IV. ADMINISTRATIVE REMEDIES**

**Instructions:**

Provide the information requested below if there is an administrative procedure to resolve the issues you raise in this complaint. Examples of administrative procedures include review of grievances, disciplinary action, and custody issues. If no administrative procedures apply to the issues in this complaint, proceed to Section V, Statement of Claim, on page 4.

a. Describe the administrative procedures available to resolve the issues raised in this complaint:

Type of procedure. (grievance, disciplinary review, etc.)  
grievance..

Authority for procedure. (DC-ADM, inmate handbook, etc.)

grievance

Formal or informal procedure. grievance

Who conducts the initial review? Commission Louis Giorla & Major Claudette Martin.

What additional review and appeals are available? Commission Giorla  
is the only remedies to exhaust your issues..

b. Describe the administrative procedures you followed to resolve the issues raised in this complaint before filing this complaint:

On what date did you request initial review? 9-29-2013

What action did you ask prison authorities to take? I spoke to an unknown sergeant.

What response did you receive to your request? compensatory damages and punitive damages

What further review did you seek and on what dates did you file the requests? I spoke staff on G2 to be removed from cell 18.

What responses did you receive to your requests for further review?  
none...

c. If you did not follow each step of the administrative procedures available to resolve the issues raised in this complaint explain why.

do not apply.

V. STATEMENT OF CLAIM

*Instructions:*

State here as briefly as possible the facts of your case. Use plain language and do not make legal arguments or cite cases or statutes. State how each defendant violated your constitutional rights. Although you may refer to any person, make claims only against the defendants listed in the Caption, Section I. Make only claims which are factually related. Each claim should be numbered and set forth in a separate paragraph with an explanation of how the defendants were involved. Use the reverse of this page or a separate sheet of paper if you need more space.

*Statement of claim:*

Plaintiff argue that defendant S. Walton had personal involvement in the constitutional violation alleged here. It is evident that there is evidence that defendant S. Walton was the caused of plaintiff's being not removed from his assigned cell 18 being exposed to feces and urine. After experiencing shortness of breath and chest pains along with vomiting.

Defendant Walton have personal involvement in the constitutional violations alleged here.

Plaintiff instructed defendant Walton to preserved video footage for litigation purposes.

VI. RELIEF

*Instruction: Briefly state exactly what you want the Court to do for you.*

*Relief sought:*

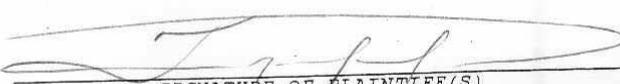
Plaintiff seeks relief against Corrections Officer S. Walton in compensatory damages in the amount of \$200,000 & punitive damages in the of \$300,000.

VII. DECLARATION AND SIGNATURE

I (we) declare under penalty of perjury that the foregoing is true and correct.

12-31-2015

DATE

  
SIGNATURE OF PLAINTIFF(S)

FACTS

On Friday, December 18, 2015, the Honorable Eduardo C. Robreno, United States District Court entered a judgment in favor of Defendants, Louis Giorla, Major Claudette Martin, Margaret McGrogan and against plaintiff. After filing answers and conducting discovery, all parties (except Officer Walden, who has not yet been identified and served). Plaintiff claims against Defendant Walden was dismissed without prejudice. Plaintiff misspelled Walden named. The defendant name is "S. Walton". Plaintiff is now refileing his complaint so that defendant Walton can be served. See, Troy Lamont Moore v. Louis Giorla, et al., Civil Action No. 14-3873.

BACKGROUND OF FACTS PENDING

On 9-16-2013, at approximately 2315 hours, plaintiff assinged cell 18 toilet violently over flowed every 20 minutes through out the night with feces and urine. After experiencing shortness of breath & chest pains along with vomiting. Plaintiff reported it to corrections officer Walton who ignored his request to remove him out of cell 18 and requested medical attention. After being covered in and subjected to breathing raw sewage in access of 8 hours. I was was permitted to go to medical where I informed Rn Mogrogan of chest pain. Pulse was taken and I was ordered back to the unit even after requesting nitro glycerine which was denied. I have exhausted the grievance levels and conferencing personally to Major Martin and Commissioner Giorla to no avail. Major Martin ordered the video footage to be pulled and commissioner Giorla stated the situation is to be handled at the corrections officer discretion. My cell 18 on G2 regarding my cell mate Gabriel Bassemy was present during the incident and attached are plaintiff's affidavit to support his claims.

Plaintiff prepare to go forward for summary judgment.

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

TROY LAMONT MOORE, SR. : Civil Action No.  
PLAINTIFF :  
EDUARDO C. ROBRENO, JUDGE  
v. :  
EDUARDO C. ROBRENO, JUDGE

CORRECTIONS OFFICER S. WALTON,  
INDUSTRIAL CORRECTIONAL CENTER  
8301 STATE ROAD  
PHILADELPHIA, PA 19136,

DEFENDANTS

DECLARATION FROM TROY LAMONT MOORE

I, Troy L. Moore, hereby certify under penalty of perjury in accordance with 28 U.S.C. §1746 that the facts are true and correct based upon my personal knowledge and information of attached exhibits as evidence for the record for summary judgment.

On 9-16-2013, at approximately 2300 hours, the toilet/plumbing system in cell 18 on G2 violently overflowed and continued to do so for approximately 8 hours. I immediately notified the block corrections officer S. Walton to no avail. Despite my repeated attempts requesting to be let out of the cell and medical attention. The defendant Walton refused to allow me to be removed from or clean up despite inmates from the juxtaposed cell evacuation due to the same issue. I formally requested for video footage of the incident discussing it with defendant Walton for purposes of litigation.

I will testify in court that my constitutional rights were violated by defendant Walton not only by keeping me confined for more than 8 hours covered in and subjected to inhalting raw human waste. Which I suffered actual injuries of chest pains, shortness of breath, vomitting, diarrhea and body rash along with unnessary aches.

I will testify in court once I was released on September 17, 2013 at approximately 0700 hours from cell 18 on G2 and ordered to clean the cell of human waste with no hazmat protective equipment. The prison officers electronic log, maintenance records, medical department treatment records along with two independent affidavits from other inmates who witnessed the incident will prove that above stated facts are true and correct in their entirety.

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

TROY LAMONT MOORE? JR.,  
PLAINTIFF

Civil Action No.

v.

EDUARDO C. ROBRENO, JUDGE

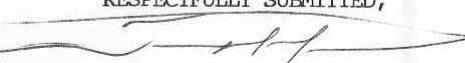
CORRECTIONS OFFICER S. WALTON,  
INDUSTRIAL CORRECTIONAL CENTER  
8301 STATE ROAD  
PHILADELPHIA, PA 19136

CERTIFICATE OF SERVICE

I, Troy L. Moore, hereby certify that on December 30, 2015, I caused to be served a true and correct copy of the foregoing document titled Declaration from Troy Moore to the following person indicated below by first class mail.

Corrections Officer S. Walton  
Industrial Correctional Center  
8301 State Road  
Philadelphia, Pa 19136

RESPECTFULLY SUBMITTED,

  
Troy L. Moore  
FE-2483  
SCI-Forest  
P.O. Box 945  
Marienville, Pa 16239

*EXHIBIT  
1*

C/O CAPORALE ON DUTY, RECEIVED ONE KEY. \*\*\*\*\*  
 09/17/2013 07:10 ECHECK CAPORALE\_S  
     EQUIPMENT CHECK  
     POST ORDERS, LOGBOOK, PHONE, WALKIE, 2 EXTGS., SEC.CUT DOWN KIT.  
 09/17/2013 07:11 CENSUS CAPORALE\_S  
     CENSUS AND HEADCOUNT  
     STARTING CENSUS 97 \*\*\*\*\* HEADCOUNT 89 \*\*\*\*\* COURT 8 \*\*\*\*\*  
 09/17/2013 07:11 OTHER CAPORALE\_S  
     OTHER EVENT  
     NOTIFIED C/C AND AUX 5 WITH COUNTS. \*\*\*\*\*  
 09/17/2013 07:12 OTHER CAPORALE\_S  
     OTHER EVENT  
     NOTE: CELL#14 SINK CLOGGED & CELL#18&19 TOILET OVERFLOWING.  
 09/17/2013 07:22 OTHER CAPORALE\_S  
     OTHER EVENT  
     NOTIFIED MAINTENANCE, MR. LEWIS OF SINK & TOILET PROBLEMS.  
 09/17/2013 07:24 CENSUS CAPORALE\_S  
     CENSUS AND HEADCOUNT  
     PER C/C CENSUS & HEADCOUNT CENSUS & HEADCOUNT CLEARED. \*\*\*\*\*  
 09/17/2013 07:48 OKTOUR CAPORALE\_S  
     TOURED UNIT: APPEARS IN ORDER  
     UNIT TOURED, ALL APPEARS IN ORDER AT THIS TIME. \*\*\*\*\*  
 09/17/2013 07:51 OTHER CAPORALE\_S  
     OTHER EVENT  
     MAINT. MR. LEWIS SENDING WORKERS FOR CELL#14, 18 & 19. \*\*\*\*\*  
 09/17/2013 07:59 OTHER CAPORALE\_S  
     OTHER EVENT  
     PER C/C ALL YARDS ARE CLEAR AT THIS TIME. \*\*\*\*\*  
 09/17/2013 08:07 OTHER CAPORALE\_S  
     OTHER EVENT  
     PER CAPTAIN BATTESTELLI UNIT G2 IS DOWN AT THIS TIME. \*\*\*\*\*  
 09/17/2013 08:08 FOOD CAPORALE\_S  
     FOOD CART ARRIVED  
     99 TRAYS, 7 LOAVES OF BREAD, BUTTER, & JUICE ON UNIT. \*\*\*\*\*  
 09/17/2013 08:13 MEAL CAPORALE\_S  
     MEAL CALL  
     MEAL BEING SERVED IN CELLS AT THIS TIME. \*\*\*\*\*  
 09/17/2013 08:24 MEAL CAPORALE\_S  
     MEAL CALL  
     MEAL COMPLETED AT THIS TIME. \*\*\*\*\*  
 09/17/2013 08:24 OKTOUR CAPORALE\_S  
     TOURED UNIT: APPEARS IN ORDER  
     UNIT TOURED DURING FEED IN ALL APPEARS IN ORDER. \*\*\*\*\*  
 09/17/2013 08:30 MEDICA HULL\_TI  
     MEDICATION EVENT  
     MEDICATION CALL  
 09/17/2013 08:35 MEDICA CAPORALE\_S  
     MEDICATION EVENT  
     4 I/M'S REFUSED: F WATSON#13, T SMITH#40, T MOORE#18, AND  
     R Middleton #19.«  
 09/17/2013 08:41 MEDICA CAPORALE\_S  
     MEDICATION EVENT  
     MEDICATION IN PROGRESS. \*\*\*\*\*  
 09/17/2013 08:44 OTHER CAPORALE\_S  
     OTHER EVENT  
     MAJOR MAY ON TOUR OF AREA AT THIS TIME. \*\*\*\*\*  
 09/17/2013 08:49 SIGNOFF HULL\_TI  
     SIGNOFF DUTY  
     C/O TI HULL DETAILED TO BUNIT AT THIS TIME. \*\*\*\*\*  
 09/17/2013 08:51 MEDICA CAPORALE\_S

2

## MEDICATION EVENT

MEDICATION NOW TERMINATED. \*\*\*\*\*

09/17/2013 09:11 OTHER CAPORALE\_S  
 OTHER EVENT  
 899660 SAMS, STANLEY  
 PLATO & GED PROGRAMS NOW IN PROGRESS: I/M S SAMS TO PLATO  
 09/17/2013 09:13 OTHER CAPORALE\_S  
 OTHER EVENT  
 3 I/M'S TO MS THOMPSON, SOC. WKR: A CUNNINGHAM #978345, WM.  
 Mallory #988726 and C. Williams #956850.  
 09/17/2013 09:30 OTHER CAPORALE\_S  
 OTHER EVENT  
 3 I/M'S TO MENTAL HEALTH PER MR.EFFA; A TEJEDA #1025994,  
 Billae Lewis #895814 and Willima Evans #741331  
 09/17/2013 09:46 OKTOUR CAPORALE\_S  
 TOUR ED UNIT: APPEARS IN ORDER  
 UNIT TOURED, ALL APPEARS IN ORDER \*\*\*\*\*  
 09/17/2013 09:46 OTHER CAPORALE\_S  
 OTHER EVENT  
 MAINT., MR KOHENKLEIN ON UNIT FOR FLOOD IN 18 & 19 CELLS \*\*\*  
 09/17/2013 10:03 OTHER CAPORALE\_S  
 OTHER EVENT  
 1111807 BASEMY, GABRIEL  
 I/M GABRIEL BASEMY SENT TO GED TO TUTOR \*\*\*\*\*  
 09/17/2013 10:23 SUPVTO WOOD\_T  
 SUPERVISOR'S TOUR  
 SGT.WOOD IN AREA ON TOUR  
 09/17/2013 10:56 OTHER CAPORALE\_S  
 OTHER EVENT  
 CELLS #14,18 & 19 FIXED BY MR. KOHENKLEIN, CELLS 18 & 19  
 being washed down by bleach and floors being washed & dried. \*\*\*\*\*  
 09/17/2013 10:57 OKTOUR CAPORALE\_S  
 TOUR ED UNIT: APPEARS IN ORDER  
 UNIT TOURED, ALL APPEARS IN ORDER AT THIS TIME \*\*\*\*\*  
 09/17/2013 11:01 OTHER CAPORALE\_S  
 OTHER EVENT  
 3 I/M'S RETURNED FROM MENTAL HEALTH. \*\*\*\*\*  
 09/17/2013 11:02 OTHER CAPORALE\_S  
 OTHER EVENT  
 3 I/M'S RETURNED FROM SOCIAL WORKERS OFFICE. \*\*\*\*\*  
 09/17/2013 11:03 OTHER CAPORALE\_S  
 OTHER EVENT  
 899660 SAMS, STANLEY  
 1 I/M RETURNED FROM PLATO (S. SAMS) \*\*\*\*\*  
 09/17/2013 11:03 SICK CAPORALE\_S  
 SICK CALL  
 SICK CALL IN PROGRESS 10:20 TERMINATED 10:35. \*\*\*\*\*  
 09/17/2013 11:07 OTHER CAPORALE\_S  
 OTHER EVENT  
 I/M'S SENT TO VISITS: J FERNANDEZ #1082145, B LEWIS #895814  
 and S. Davis #776222  
 09/17/2013 11:14 OTHER CAPORALE\_S  
 OTHER EVENT  
 TOILET TISSUE DISTRIBUTED TO EACH CELL AT THIS TIME. \*\*\*\*\*  
 09/17/2013 11:23 OTHER CAPORALE\_S  
 OTHER EVENT  
 1111807 BASEMY, GABRIEL  
 I/M G. BASEMY RETURNED FROM GED CLASS \*\*\*\*\*  
 09/17/2013 11:29 SIGNON KHAN\_A  
 SIGNON DUTY

*Exhibit  
3*

NOTE: C/O SUBER ON G-2 WITH TO IM WORKERS DROPPING OFF COURT  
meal  
09/17/2013 04:23 MEAL WALTON\_S  
MEAL CALL  
COURT MEAL IN PROGRESS \*\*\*\*\*  
09/17/2013 04:44 OKTOUR WALTON\_S  
TOURED UNIT: APPEARS IN ORDER  
TOUR MADE ALL APPEARS IN ORDER \*\*\*\*\*  
09/17/2013 04:45 OTHER WALTON\_S  
OTHER EVENT  
NOTE: C/O BOSTON ESCORTED COURTS TO R/R G-2 \*\*\*\*\*  
09/17/2013 04:49 RELEASES WALTON\_S  
INMATE RELEASED FROM UNIT  
560861 HINTON, ROBERT  
-1HINTON ROBERT CELL 10 PAYOFF HOUSE ARREST FROM G-2 TO R/R\*  
09/17/2013 04:50 CENSUS WALTON\_S  
CENSUS AND HEADCOUNT  
NEW CENSUS IS 97 \*\*\*\*\* 97 \*\*\*\*\*  
09/17/2013 04:50 CENSUS WALTON\_S  
CENSUS AND HEADCOUNT  
CENSUS 97 AND H/C 89 \*\*\*\*\* 8COURTS \*\*\*\*\*  
09/17/2013 05:21 OKTOUR WALTON\_S  
TOURED UNIT: APPEARS IN ORDER  
TOUR MADE ALL APPEARS IN ORDER \*\*\*\*\*  
09/17/2013 06:13 OKTOUR WALTON\_S  
TOURED UNIT: APPEARS IN ORDER  
TOUR MADE ALL APPEARS IN ORDER \*\*\*\*\*  
09/17/2013 06:32 OTHER WALTON\_S  
OTHER EVENT  
838689 VALDEZ, EDWIN  
NOTE: C/O BOSTON IS ESCORTING I/M VALDEZ EDWIN BACK TO G-1\*\*  
09/17/2013 06:49 OKTOUR WALTON\_S  
TOURED UNIT: APPEARS IN ORDER  
FINAL TOUR MADE ALL APPEARS IN ORDER \*\*\*\*\*  
09/17/2013 06:50 OTHER WALTON\_S  
OTHER EVENT  
NOTE: KEYS WAS TURNED IN TO AUX 5 OFFICER ROBERSON\*\*\*\*\*  
09/17/2013 06:51 CENSUS WALTON\_S  
CENSUS AND HEADCOUNT  
CLOSING CENSUS IS 97 AND H/C 89\*\*\*\*\* 8 COURTS \*\*\*\*\*  
09/17/2013 06:52 OTHER WALTON\_S  
OTHER EVENT  
CELL 14 SINK IS CLOGGED \*\*\*\*\*  
09/17/2013 06:53 OTHER WALTON\_S  
OTHER EVENT  
NOTE: CELLS 18 AND 19 TOILETS O ARE OVER FLOODING \*\*\*\*\*  
09/17/2013 06:56 OTHER WALTON\_S  
OTHER EVENT  
NOTE: WALKIE WAS TURNED IN TO AUX 5 OFFICER C/O ROBERSOMN\*\*\*  
09/17/2013 07:01 SIGNOF WALTON\_S  
SIGNOFF DUTY  
C/O WALTON OFF DUTY \*\*\*\*\*  
09/17/2013 07:05 SIGNON HULL\_TI  
SIGNON DUTY  
C/O T.HULL ON DUTY  
09/17/2013 07:05 OKTOUR HULL\_TI  
TOURED UNIT: APPEARS IN ORDER  
17-SEP-2013 07:05:15.40  
09/17/2013 07:09 SIGNON CAPORALE\_S  
SIGNON DUTY

U.S. Department of Justice  
United States Marshals Service

**PROCESS RECEIPT AND RETURN**  
*See "Instructions for Service of Process by U.S. Marshal"*

PLAINTIFF	Troy Lamont Moore	COURT CASE NUMBER
DEFENDANT	Corrections Officer S. Walton	TYPE OF PROCESS
SERVE AT	NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDE Corrections Officer S. Walton, Industrial Correctional Center.	
	ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code) 8301 State Road... Philadelphia, Pa 19136	
SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW		Number of process to be served with this Form 285
<input type="checkbox"/> Troy Lamont Moore FE-2483 SCI-Forest P.O. Box 945 Marienville, Pa 16239		1
		Number of parties to be served in this case
		Check for service on U.S.A.
		xx

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (*Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available for Service*):

1d

It is imperative that I be served a copy of this document so I'm able to that defendant been served.

Fo

Signature of Attorney other Originator requesting service on behalf of:  <i>[Signature]</i>	<input checked="" type="checkbox"/> PLAINTIFF	TELEPHONE NUMBER	DATE
	<input type="checkbox"/> DEFENDANT	n/a	12-31-2015

**SPACE BELOW FOR USE OF U.S. MARSHAL ONLY-- DO NOT WRITE BELOW THIS LINE**

I acknowledge receipt for the total number of process indicated. <i>(Sign only for USM 285 if more than one USM 285 is submitted)</i>	Total Process	District of Origin No. _____	District to Serve No. _____	Signature of Authorized USMS Deputy or Clerk	Date
--	---------------	------------------------------	-----------------------------	--	------

I hereby certify and return that I  have personally served,  have legal evidence of service,  have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above on the individual, company, corporation, etc. shown at the address inserted below.

I hereby certify and return that I am unable to locate the individual, company, corporation, etc. named above (See remarks below)

Name and title of individual served (if not shown above)	<input type="checkbox"/> A person of suitable age and discretion then residing in defendant's usual place of abode	
Address (complete only different than shown above)	Date	Time <input type="checkbox"/> am <input type="checkbox"/> pm
Signature of U.S. Marshal or Deputy		

Service Fee	Total Mileage Charges including endeavors)	Forwarding Fee	Total Charges	Advance Deposits	Amount owed to U.S. Marshal* or (Amount of Refund*)
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REMARKS:

PRIOR EDITIONS  
MAY BE USED

PRINTED COPIES

1. CLERK OF THE COURT
2. USMS RECORD
3. NOTICE OF SERVICE

FORM USM-285  
Rev. 12/15/80  
Automated 01/00

Form 1A. Notice of Lawsuit and Request for Waiver of Service of Summons

TO: Corrections Officer S. Walton  
(Name of individual defendant or name of officer or agent of corporate defendant)

(as Corrections Officer of Industrial Correctional Center.)  
(Title or relationship of individual to corporate defendant) (Name of corporate defendant, if any)

A lawsuit has been commenced against you (or the entity on whose behalf you are addressed). A copy of the complaint is attached to this notice. It has been filed in the United States District Court for the Western District of Pennsylvania and has been assigned docket number \_\_\_\_\_.

This is not a formal summons or notification from the court, but rather my request that you sign and return the enclosed waiver of service in order to save the cost of serving you with a judicial summons and an additional copy of the complaint. The cost of service will be avoided if I receive a signed copy of the waiver within \_\_\_\_\_ days after the date designate below as the date on which this Notice and Request is sent. I enclose a stamped and addressed envelope (or other means of cost-free return) for your use. An extra copy of the waiver is also attached for your records.

If you comply with this request and return the signed waiver, it will be filed with the court and no summons will be served on you. The action will then proceed as if you had been served on the date the waiver is filed, except that you will not be obligated to answer the complaint before 60 days from the date designated below as the date on which this notice is sent (or before 90 days from that date if your address is not in any judicial district of the United States).

If you do not return the signed waiver within the time indicated, I will take appropriate steps to effect formal service in a manner authorized by the Federal Rules of Civil Procedure and will then, to the extent authorized by those Rules, ask the court to require you (or the party on whose behalf you are addressed) to pay the full costs of such service. In that connection, please read the statement concerning the duty of parties to waive the service of the summons, which is set forth at the foot of the waiver form.

I affirm that this request is being sent to you on behalf of the plaintiff, this  
31th day of December, 2015.

  
Signature of Plaintiff's Attorney or  
Unrepresented Plaintiff

AO 399 (Rev. 10/95)

**WAIVER OF SERVICE OF SUMMONS**

Troy Lamont Moore

TO: \_\_\_\_\_  
(NAME OF PLAINTIFF'S ATTORNEY OR UNREPRESENTED PLAINTIFF)

I, Corrections Officer S. Walton, acknowledge receipt of your request  
(DEFENDANT NAME)

<p>that I waive service of summons in the action of            which is case number            for the</p>	<p><b>Lawsuit</b>  <b>(CAPTION OF ACTION)</b>            in the United States District Court  <b>(DOCKET NUMBER)</b>            District of <b>Pennsylvania</b></p>
<p>Eastern</p>	

I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an

answer or motion under Rule 12 is not served upon you within 60 days after

(DATE REQUEST WAS

or within 90 days after that date if the request was sent outside the United States.

DATE

(SIGNATURE)

Printed/Typed Name:

As \_\_\_\_\_ of \_\_\_\_\_  
**(TITLE)** (CORPORATE DEFENDANT)

#### Principles to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of summons, fails to do so will be required to bear the cost of such service unless good cause is shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that the party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against that defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.

December 30, 2015

Office of the Clerk  
United States District Court  
Room 2609  
601 Market Street  
Philadelphia, Pa 19106

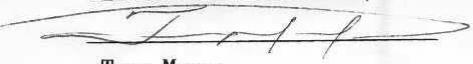
In Re: Troy Lamont Moore v. Corrections Officer S. Walton

Dear Clerk:

Enclosed please find 4 copies of complaints, Exhibits, U.S. Marshal's Service Document, Notice of Lawsuit & Request for Waiver of Service of Summons & Waiver of Service of Summons to be filed.

I've attached the in forman pauperis in a separate envelope to be processed by SCI-Forest inmate's accounts. Thanking you in advance for your consideration and cooperation.

RESPECTFULLY SUBMITTED,

  
Troy Moore  
FE-2483  
SCI-Forest  
P.O. Box 945  
Marienville, Pa 16239

cc:  
file/TM....